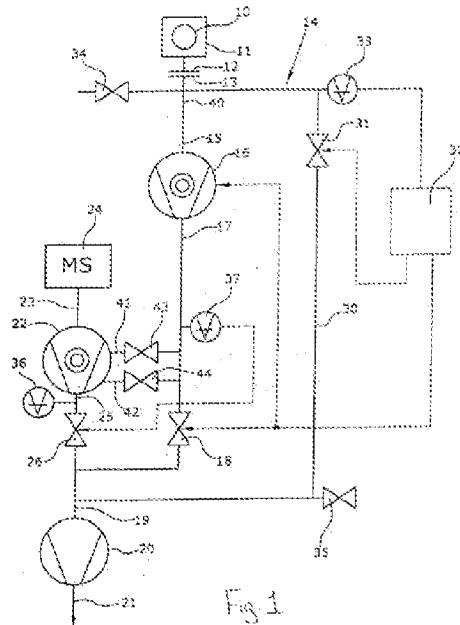


REMARKS

Claims 5-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,520,176 to Becker ("Becker '176") in view of U.S. Patent No. 5,944,049 to Beyer et al. ("Beyer '049"). Alternatively, Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Becker '176 in view of Beyer '049 and further in view of U.S. Patent No. 4,505,647 to Alloca et al. ("Alloca '647"). Alternatively, Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Becker '176 in view of Beyer '049 and in further view of U.S. Patent No. 4,225,288 to Mugele et al. ("Mugele '288"). Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Becker '176 in view of Beyer '049 and in further view of U.S. Patent No. 5,585,548 to Grosse Bley et al. ("Grosse Bley '548").

The above-captioned patent application has been carefully reviewed in light of the non-final Office Action to which this Amendment is responsive. Claim 5 has been amended in an effort to more clearly describe the present invention and not for reasons related solely to patentability. To that end, it is believed that no new matter has been entered. Claims 5-8 are pending in this application. In view of the claim amendments, the Applicant believes the pending application is in condition for allowance.

The Applicant has amended Claim 5, the sole independent claim, to further comprise a third valve connecting an exit side of the second high vacuum pump with the entry side of the primary pump, the third valve being controlled in dependence on the pressure on the exit side of the first high vacuum pump. Support for this limitation is found in the specification in Figure 1 and the accompanying description of valve 26 and its operation.



As stated in the specification, "[v]ia a valve 26, the exit side 25 of the second high vacuum pump 22 is connected with the entry side of the primary pump 20." (Pub. Appl. at ¶ [0014]) Further, "[a]nother pressure gauge 37 is connected with the exit side 17 of the first high vacuum pump 16. In dependence on the measured pressure, the valve 26 is opened when the pressure falls below a predetermined value." (Pub. Appl. at ¶ [0018]) None of the prior art references cited by the Examiner disclose a third valve (26) connecting an exit side of the second high vacuum pump (22) with the entry side of the primary pump (20), the third valve (26) being controlled in dependence on the pressure on the exit side (17) of the first high vacuum pump (16). Accordingly, because none of the references cited by the Examiner disclose all of the limitations of amended Claim 5 individually or in combination, the Applicant respectfully submits that the invention claimed in amended Claim 5 is neither anticipated nor rendered obvious by the prior art. As such, the Applicant believes Claim 5 is in allowable condition.

Furthermore, since “[d]ependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious,” *In re Fine*, 837 F.2d 1071,

1076 (Fed. Cir. 1988), Applicant respectfully submits that dependent claims 6-8, all of which depend from independent Claim 5, are also in allowable condition.

With respect to the claim rejections argued by the Applicant herein, the Applicant's selective treatment and emphasis of certain claims in the application should not be taken as an indication that the Applicant believes the Examiner's unaddressed claim rejections are otherwise sufficient. The Applicant expressly reserves the right to present arguments traversing the propriety of the unaddressed claim rejections later in the prosecution of this or another application.

Further with respect to the claim rejections argued by the Applicant herein, while the Applicant may have highlighted a particular claim element of a claim for purposes of demonstrating insufficiency of the examination on the part of the Examiner, the Applicant's highlighting of a particular claim element for such purpose should not be taken to indicate that the Applicant has asserted an argument in support of patentability that a particular claim element constitutes the sole basis for patentability out of the context of the various combinations of elements of the claim or claims in which it is present. The Applicant maintains the right here forward to assert that each claim is patentable by reason of any patentable combination recited therein.

The Examiner is respectfully invited to contact the undersigned if there are any remaining issues that can be resolved by telephonic communication.

In view of the above amendment, the Applicant believes the pending application is in condition for allowance. The Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0289, under Order No. 327_106 from which the undersigned is authorized to draw.

Application No. 10/553,457
Amendment dated September 18, 2009
Reply to Office Action of July 1, 2009

Docket No.: 327_106

Dated: September 18, 2009

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